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11 IN THE UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA

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14 UNITED STATES OF AMERICA,
15 Plaintiff,
v.
16 JIMMY PEREZ AYON,
17 Defendant.

CASE NO. 2:22-CR-00176-TLN
18 STIPULATION REGARDING EXCLUDABLE
19 TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER
DATE: May 1, 2025
TIME: 9:30 a.m.
COURT: Hon. Troy L. Nunley

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28 **STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on May 1, 2025.

2. By this stipulation, the parties request to vacate the May 1, 2025 status hearing and to set this case for a jury trial to begin on February 23, 2026, and a trial confirmation hearing for January 15, 2026. In addition, the defendant moves to exclude time between May 1, 2025, and February 23, 2026, under Local Code T4.

3. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes approximately 3,380 pages of documents, including investigative reports, text messages, transcripts of recorded communications, and other materials, as well as multiple undercover

1 video and audio recordings. All of this discovery has been either produced directly to counsel
2 and/or made available for inspection and copying.

3 b) Counsel for defendant was newly appointed on August 8, 2024, replacing prior
4 counsel of record. *See* ECF 48 (minutes).

5 c) Counsel for defendant needs additional time to review the discovery in this case,
6 to conduct factual investigation, to evaluate potential responses to the charges, to confer with his
7 client, and to otherwise prepare for trial.

8 d) Counsel for defendant believes that failure to grant the above-requested
9 continuance would deny him the reasonable time necessary for effective preparation, taking into
10 account the exercise of due diligence.

11 e) The government does not object to the continuance.

12 f) The parties further agree and stipulate that pursuant to Federal Rule of Criminal
13 Procedure 12(c)(1), Defendant must file all pretrial motions other than motions *in limine* no later
14 than December 11, 2025, and request the following briefing schedule: (i) Defendant shall file any
15 such motions no later than December 11, 2025; (ii) the government's oppositions or statements
16 of non-opposition shall be filed no later than December 31, 2025; (iii) Defendant's reply briefs,
17 if any, shall be filed no later than January 8, 2026; and (iv) the motions shall be heard, if the
18 Court holds a hearing, on January 15, 2026.

19 g) Based on the above-stated findings, the ends of justice served by continuing the
20 case as requested outweigh the interest of the public and the defendant in a trial within the
21 original date prescribed by the Speedy Trial Act.

22 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
23 et seq., within which trial must commence, the time period of May 1, 2025 to February 23, 2026,
24 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
25 because it results from a continuance granted by the Court at defendant's request on the basis of
26 the Court's finding that the ends of justice served by taking such action outweigh the best interest
27 of the public and the defendant in a speedy trial.

1 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
2 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
3 must commence.

4 IT IS SO STIPULATED.

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7 Dated: April 26, 2025

MICHELE BECKWITH
Acting United States Attorney

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10 Dated: April 26, 2025

/s/ DAVID W. SPENCER
DAVID W. SPENCER
Assistant United States Attorney

/s/ OLAF HEDBERG
OLAF HEDBERG
Counsel for Defendant
JIMMY PEREZ AYON

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12 **ORDER**

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18 Having reviewed the parties' stipulation, and for good cause shown, the Court approves the
19 stipulation, makes the requested findings, and orders that:

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21 1. The May 1, 2025 status conference is vacated.

22 2. This case is set for jury trial on February 23, 2026, at 9:00 a.m., and for a trial
23 confirmation hearing on January 15, 2026, at 9:30 a.m., and time is excluded under the
24 Speedy Trial Act through February 23, 2026, with the above-requested findings made by
25 the Court.

26 2. Pursuant to Federal Rule of Criminal Procedure 12(c)(1), Defendant shall file all pretrial
27 motions, other than motions *in limine*, no later than December 11, 2025; the government shall file its
28 oppositions or statements of non-opposition no later than December 31, 2025; Defendant shall file his

1 reply briefs, if any, no later than January 8, 2026; and the Court shall hear the motions, if at all, on
2 January 15, 2026, unless otherwise continued by the Court.

3 IT IS SO ORDERED.

4 DATED: April 28, 2025


5 Troy L. Nunley
6 Chief United States District Judge

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